

AO 91 (Rev. 11/11) Criminal Complaint

FILED

UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT
AT BUQUERQUE, NEW MEXICO

for the

APR 05 2018

District of New MexicoMATTHEW J. DYKMAN
CLERKUnited States of America
v.Case No. 18-MJ-1097DARREN BENALLY
*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 03/27/2018 in the county of San Juan in the
District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*

Title 18, U.S.C. §1111(a)

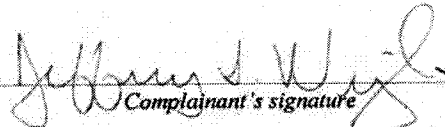
Murder in the Second Degree

Title 18, U.S.C. §1153(a)

Offenses Committed within Indian Country

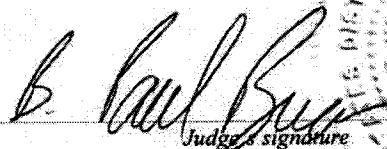
This criminal complaint is based on these facts:

See Attached Affidavit.

☒ Continued on the attached sheet.
*Complainant's signature*Jeffrey T. Wright, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date:

April 5, 2018
*Judge's signature*City and state: Farmington, New MexicoB. Paul Briones, US Magistrate Judge
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR NEW MEXICO

United States of America

Vs

DARREN BENALLY, year of birth 1992

Case No. 18-MJ-1097

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Jeffrey T. Wright, being first duly sworn, do hereby depose and state:

1. I am a Special Agent (SA) with the United States Department of Justice, Federal Bureau of Investigation ("FBI"), and have been employed in that capacity for approximately 10 years. I am currently assigned to the Albuquerque Division of the FBI, Farmington Resident Agency, and have primary investigative responsibility for crimes that occur in Indian Country, including violent crimes such as homicide, aggravated assault, and sexual assault. I am also responsible for investigating all other federal crimes which fall within the FBI's purview in the San Juan County area of New Mexico. I have gained experience in the conduct of such investigations through previous case investigations, formal training, and in consultation with law enforcement partners in local, state and federal law enforcement agencies. As a Federal Agent, I am authorized to investigate violations of the laws of the United States and have authority to execute arrest and search warrants issued under the authority of the United States.

2. The information set forth in this affidavit has been derived from an investigation conducted by your Affiant, as well as Shiprock Criminal Investigator (CI) Wilson Charley, Navajo Department of Criminal Investigations, and/or communicated to me by other law enforcement officers from the Navajo Nation. This affidavit does not set forth all of my

knowledge about this matter but is intended to show that there is sufficient probable cause for the requested warrant.

3. This investigation concerns the alleged violation of Title 18 United States Code (U.S.C.) §1111(a) – Murder in the Second Degree, and §1153(a) – Offenses Committed within Indian Country, as DARREN BENALLY, year of birth 1992, acted with a reckless disregard for human life by beating John Doe, a 50 year-old male victim, to his death.

4. On the evening of March 27, 2018, a law enforcement officer with the Navajo Police Department (NPD) responded to the report of a man suffering from a head laceration in Sanostee, New Mexico, just north of Indian Service Route 5005, located within the exterior boundaries of the Navajo Nation Indian Reservation. When the responding NPD officer arrived on scene, it was discovered that the male victim, identified herein as John Doe, a 50 year-old enrolled member of the Navajo Nation Indian Tribe, was lying in a dirt lot between a few small houses and hogans and was no longer showing any signs of life. Emergency Medical Services also responded to the scene and attempted to provide life-saving care without success. John Doe was pronounced deceased later that evening by a Field Investigator with the New Mexico Office of the Medical Investigator.

5. The victim's nephew, identified as DARREN BENALLY, year of birth 1992, was also present at the scene at the time of law enforcement's arrival. Initial witness reports stated that BENALLY had been in a fight with John Doe in the lot between their respective residences.

6. BENALLY was interviewed on the evening of March 27, 2018, and provided the following information to your Affiant and CI Charley: On the evening of March 27, 2018, after

having arrived home from work, BENALLY worked outside his residence, cleaning up trash and loose sticks. At some point, John Doe began to yell at BENALLY, telling him to "come here!" BENALLY believed John Doe wanted BENALLY to drink alcohol with him. BENALLY did not initially respond because he did not like to hang out with John Doe and drink. John Doe reportedly picked on BENALLY for several years. John Doe continued to yell at BENALLY and called him derogatory names. John Doe eventually walked toward BENALLY's house and stopped BENALLY as he was attempting to walk by. After being called a "fag" by John Doe, BENALLY told John Doe to just leave him alone. John Doe kept talking, however, trying to piss off BENALLY. At some point, John Doe swung at BENALLY but BENALLY stepped back and avoided the punch. BENALLY asked him something to the effect of, "What's wrong with you?" John Doe then grabbed BENALLY's shirt and looked like he was going to swing again. BENALLY subsequently grabbed John Doe's shirt and knocked him to the ground. As soon as John Doe hit the ground, BENALLY stood over him and hit him repeatedly in the head with both fists. John Doe laid on his back with his head nearest BENALLY's feet and his legs pointed away. BENALLY stated, "I just hit him. I wasn't stopping." He stated further that he hit John Doe "as hard as I could". When asked where John Doe may have been injured, BENALLY replied, "his head, his face, his whole head, I don't know, I just kept hitting him." He also advised he had hit John Doe on "all sides" of his head. BENALLY did not know how many times he hit John Doe but estimated he hit him more than 20 times, stating "I got tired of it." When John Doe stopped moving, BENALLY stopped hitting him. John Doe did not get up after the fight. When asked if anyone else was involved in the fight, BENALLY replied, "just me."

7. Upon physical observation of BENALLY, your Affiant observed that both of his hands appeared to be swollen around his knuckles. During his interview, BENALLY advised he hit John Doe with his fists and did not use any other items. He also stated his right hand felt sore. Several items of clothing were furthermore collected from BENALLY as evidence, including his shirt, blue jeans, and work boots, each appearing to possess reddish-colored stains.

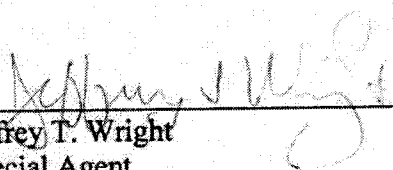
8. Upon physical observation of John Doe's body by your Affiant, his face and head were observed to be very swollen, discolored, and covered in blood. No other obvious signs of injury were observed by your Affiant elsewhere on his body.

9. Based upon the information provided in this affidavit, your Affiant submits there is probable cause to believe that on the evening of March 27, 2018, DARREN BENALLY, a member of the Navajo Nation Indian Tribe, was within the territorial jurisdiction of the Navajo Nation Indian Reservation when he acted with a reckless disregard for human life and committed second degree murder by continually beating John Doe to his death, in violation of and pursuant to Title 18 U.S.C. §1111(a) – Murder in the Second Degree, and §1153(a) – Offenses Committed within Indian Country.

10. I do hereby swear this information to be true and correct to the best of my knowledge and belief.

11. This affidavit was reviewed and approved by Supervisory Assistant United States Attorney Kyle Nayback, United States Attorney's Office.

Respectfully submitted,



Jeffrey T. Wright
Special Agent
Federal Bureau of Investigation
Farmington, New Mexico

Subscribed and sworn to before me on April 5, 2018.



United States Magistrate Judge

